

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed August 23, 2005. For the reasons discussed below, Applicants submit that the pending claims are patentably distinguishable over the cited references. Applicants, therefore, respectfully request reconsideration and favorable action in this case.

Section 102 Rejections

The Office Action rejects Claims 30 and 32-33 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,684,800 issued to Dobbins et al. ("*Dobbins*").

Independent Claim 30 recites, "a first port and a second port each including a receive-transmit pair (RTP), the RTP including a high-speed demultiplexer operable to process ingress traffic, a high-speed multiplexer operable to process egress traffic." *Dobbins*, in contrast, teaches receiving a broadcast or multicast packet at a first switch, encapsulating the packet, inserting a VLAN header, and flooding the VLAN packet out multicast channel 16 to all other switches. *See Dobbins*, column 6, lines 13-20. *Dobbins* does not disclose a high-speed multiplexer or demultiplexer. The Office Action states that because "the switch transmits several packets from an end station to various links . . . as well as transmits several packets received from different links to the end station . . . the switch must have structure that allows multiplexing/demultiplexing to be performed for each port connecting an end host." *Office Action*, page 2, item 1. Applicants respectfully submit that this statement is not true for *packet-switched* networks, as multiplexers and demultiplexers are not inherent in *packet-switched* networks.

In response to the Examiner's arguments in the Response to Arguments section of the Final Office Action, a switch can transmit packets from an end station to different links and vice versa using the information contained in the header of the packet. No demultiplexing or multiplexing (e.g., time division multiplexing) is needed since this is *packet-based* switching. Demultiplexing and multiplexing would be used in a *circuit-switched* system – which *Dobbins* does not disclose. Applicants thus respectfully submit that there is no need for a multiplexer or demultiplexer in a packet-based system, and such elements are certainly not inherent in the disclosure of *Dobbins*. In relying upon the theory of inherency, an Examiner must provide a basis in fact and/or technical reasoning to support the determination that the

allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. M.P.E.P. § 2112 (citing *Ex Parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. and Inter. 1990) (*emphasis original*). Applicants submit that the Examiner has not met this requirement for the reasons given above.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claim 30, as well as Claims 32-33, which depend from Claim 30.

### **Section 103 Rejections**

The Office Action rejects Claims 1-8, 10, 12-19, 21-22, 24-29, and 34-40 under 35 U.S.C. § 103(a) as being unpatentable over *Dobbins* in view of U.S. Patent 6,331,985 issued to Coden (“*Coden*”) and U.S. Publication 2003/0165140 issued to Tang, et al. (“*Tang*”). Furthermore, the Office Action rejects Claim 11 under 35 U.S.C. § 103(a) as being unpatentable over *Dobbins* in view of *Coden* and *Tang* as applied to Claim 10, and further in view of U.S. Patent No. 6,148,000 to Feldman et al. (“*Feldman*”).

Independent Claims 1, 16 and 34 have been amended in the present Response to include the limitations of former Claim 11, which has been canceled. Therefore, Applicants will address the Examiner’s arguments with respect to Claim 11 in arguing for the allowance of Claims 1, 16 and 34.

As amended, Claims 1, 16 and 34 recite a transport element that comprises “a primary processor operable to generate routing information for the transport element and to distribute the routing information to the ports in the port group for traffic processing, the routing information comprising a routing information base (RIB)” and “a secondary processor for each port in the port group, the secondary processor operable to receive the RIB from the primary processor and to generate a forwarding information base (FIB) for the port based on the RIB.” The Examiner argues that these limitations are disclosed in *Feldman*. Although *Feldman* does disclose an RIB and an FIB, it only generally discloses that an integrated switch router uses the RIB and FIB. Applicants respectfully submit that *Feldman* does not disclose, teach or suggest any of the other limitations quoted above – namely a primary processor that generates the RIB and distributes it to the ports in the port group and a secondary processor for each of the ports that receives the RIB and generates an FIB based

on the RIB. Therefore, the proposed combination of references does not disclose each and every limitation of Claims 1, 16 and 34. Furthermore, the Examiner has not provided the requisite suggestion to combine the teachings of *Feldman* with the other reference. The Examiner has only said that it would have been obvious, and has not pointed to a teaching in the prior art of a suggestion to combine the references, as required by the case law.<sup>1</sup>

Because these limitations are not disclosed in or suggested by the cited references, Applicants respectfully request reconsideration and allowance of Claims 1, 16 and 34, as well as the claims that depend from these independent claims. Favorable action is respectfully requested.

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<sup>1</sup> “Our case law makes clear that the best defense against the subtle but powerful attraction of hind-sight obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references. Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability—the essence of hindsight.” *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999).

**CONCLUSION**

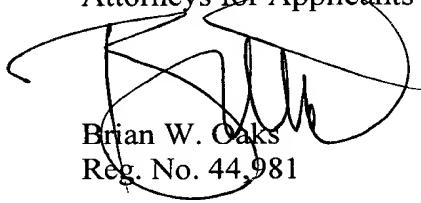
Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicants hereby request a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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